

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMY JO MARIE McCOY,
SHELLY LYNN McCOY, JUSTIN ALLEN
McCOY, THOMAS ROBERT McCOY, and
SHIRLEEN NICOLE McCOY, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 16, 2006

Petitioner-Appellee,

v

LINDA FAITH McCOY,

No. 264050
Wayne Circuit Court
Family Division
LC No. 05-440546-NA

Respondent-Appellant,

and

GARY PATRICK McCOY,

Respondent.

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

MEMORANDUM.

Respondent mother appeals as of right from the trial court order terminating her parental rights pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

¹ With regard to respondent mother, the trial court stated on the record that it found petitioner established MCL 712A.19b(3)(b)(ii), (g), and (j). With regard to respondent father, the trial court stated that it found petitioner established MCL 712A.19b(3)(b)(i), (g), (h), (j) and (k)(ii). However, when the trial court drafted a written record of the proceedings, the court switched the statutory sections applicable to each respondent, applying MCL 712A.19b(3)(b)(i), (g), (h), (j) and (k)(ii) to respondent mother rather than respondent father and applying MCL 712A.19b(3)(b)(ii), (g), and (j) to respondent father rather than respondent mother. It appears
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In order for a trial court to terminate parental rights, the court must have found that at least one statutory ground for termination was proven by clear and convincing evidence. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). This court reviews the trial court's decision for clear error. *Id.*

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J). There is no question that the children and their siblings were physically, sexually, and emotionally abused by respondent father, that respondent mother had the opportunity to prevent the abuse, and that she failed to do so. We also find that there is a reasonable likelihood that the children would suffer psychological or emotional injury in the foreseeable future if placed in respondent mother's home. While respondent mother argues that she was not given an opportunity to participate in a parent-agency treatment plan and that, if permitted to do so, she would have benefited, the question before the trial court was whether the children would be harmed if immediately returned to respondent mother. Respondent mother testified that she thought the children were better off with her, even if they were abused, and that she herself had been a victim of respondent father's physical and verbal abuse for 25 years. The trial court was correct in its characterization of respondent mother's lack of insight and, further, we find that it would take a great deal of time before respondent mother could gain insight into 25 years of abuse. Therefore, the trial court did not clearly err in finding that statutory grounds for termination of respondent mother's parental rights had been established.

We also find that the trial court did not clearly err in its best interests determination. The children were angry with respondent mother for failing to protect them from the abuse, and the younger children were doing well in their current placements.

Affirmed.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette

(...continued)

that the trial court's oral ruling is correct and the written record of the proceedings is incorrect.